

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRADLEY SANDEFUR,

Petitioner,

v.

FERNANDEIS FRAZIER, *et al.*,

Respondents.

Case No. 3:21-cv-00125-ART-CSD

ORDER

In this habeas corpus action, Respondents filed a motion to dismiss on December 14, 2021. (ECF No. 17.) Petitioner Bradley Sandefur, currently pro se, was due to respond to the motion to dismiss by May 20, 2022. (ECF Nos. 9, 25, 29.) Sandefur filed a motion for extension of time (ECF No. 32) on May 17, 2022, requesting a third extension of time, of 60 days, to July 19, 2022, to respond to the motion to dismiss.

The Court has examined the habeas petition and the motion to dismiss and determines that appointment of counsel is in the interests of justice. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (district court has discretion to appoint counsel when it determines that interests of justice so require). The Court will appoint counsel to represent Sandefur.

As Sandefur will have an opportunity to amend his habeas petition with the benefit of appointed counsel, the appointment of counsel renders moot Respondents' motion to dismiss Sandefur's original habeas petition, as well as Sandefur's motion for a third extension of time to respond to the motion to dismiss; those motions will be denied as moot.

After appointed counsel appears for Sandefur, the Court will enter an order setting a schedule for further proceedings, including the filing of an amended habeas petition.

1 It is therefore ordered that the Federal Public Defender for the District of  
2 Nevada (FPD) is appointed to represent the petitioner in this action. If the FPD is  
3 unable to represent the petitioner, due to a conflict of interest or other reason,  
4 then alternate counsel will be appointed. In either case, counsel will represent  
5 the petitioner in all federal-court proceedings relating to this matter, unless  
6 allowed to withdraw.

7 It is further ordered that the Clerk of the Court is directed to electronically  
8 serve upon the FPD a copy of this order, together with a copy of the petition for  
9 writ of habeas corpus (ECF No. 10).

10 It is further ordered that the FPD shall, within 30 days from the date of this  
11 order, file a notice of appearance, or indicate to the Court that office's inability to  
12 represent the petitioner.

13 It is further ordered that Respondents' Motion to Dismiss (ECF No. 17) is  
14 denied as moot.

15 It is further ordered that Petitioner's Request for an Extension of Time (ECF  
16 No. 32) is denied as moot.

17 It is further ordered that, pursuant to Federal Rule of Civil Procedure 25(d),  
18 Fernande is Frazier is substituted for Kyle Olsen as the respondent warden. The  
19 Clerk of the Court is directed to update the docket to reflect this change.

20 DATED THIS 15<sup>th</sup> day of June, 2022.

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22  
23 ANNE R. TRAUM  
24 UNITED STATES DISTRICT JUDGE  
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